



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,319	06/25/2003	Emmanuel Julien Aussant	C7674(V)	3093
201	7590	11/04/2004	EXAMINER	
UNILEVER PATENT DEPARTMENT 45 RIVER ROAD EDGEWATER, NJ 07020			DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/603,319

Applicant(s)

AUSSANT ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3 pages.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Claim Rejections - 35 USC § 112*

1. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This claim is indefinite in the recital of "selected from polymers comprising" in line 2 and "and/or polymers comprising" in line 5 because they do not conform with the proper Markush language as required in MPEP 2173.05(h)(I).

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 58103599, hereinafter "JP '599".

JP '599 teaches a powdered fragrant cleaning composition for flush toilet which is packed in a bag of water-soluble film wherein the cleaning composition comprises 6 wt% polyoxyethylene sorbitan monooleate, 11 wt% liquid perfume, 18 wt% sodium tripolyphosphate, 18 wt% Na<sub>2</sub>SO<sub>4</sub> and 27 wt% sodium polyacrylate (see title and abstract). Since the resulting composition is powdered, the liquid perfume would have been adsorbed by the solid ingredients

such as sodium tripolyphosphate, sodium sulfate and sodium polyacrylate. JP '599 teaches the limitations of the instant claims. Hence, JP '599 anticipates the claims.

4. Claims 1-2, 5-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Suri et al. (US 2002/0035049), hereinafter "Suri".

Suri teaches an extruded toilet block for In-Cistern use wherein the composition comprises surfactants, no bleaching agent, 6.0 wt% Lavender fragrance and 5.0 wt% silica powder (fragrance-coating agent), wherein the coated fragrance is prepared by taking the silica in a vessel and the fragrance is sprayed by a spray gun with continuous mixing until the total fragrance is uniformly coated onto the silica, the coated fragrance is then mixed with the rest of the ingredients, extruded and wrapped into a water-soluble PVA cloth (see Example 1 page 3, sections [0039-0048]). See also Examples 5 and 6 on page 4, sections [0052-0053]). Suri also teaches a method of cleansing toilets which comprises bringing the extruded block in contact with toilet flush water such as by placing the block in the cistern or in the bowl of the toilet (see page 3, section [0037]), and this allows consistent release of the perfume and other ingredients throughout an increased in-use life span of the block (see page 1, section [0006]). Suri teaches the limitations of the instant claims. Hence, Suri anticipates the claims.

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '599 as applied to the above claims, and further in view of Ness et al. (US Patent No. 6,194,375), hereinafter "Ness".

JP '599 teaches the features as described above. JP '599, however, fails to disclose polymers comprising the recited monomers as particle carrier for the perfume.

Ness teaches absorption of perfume by particles comprising monomers such as isobutyl methacrylate, n-butyl acrylate, n-butyl methacrylate, n-propyl acrylate, iso-propylmethacrylate and styrene (see col. 4, lines 28-33, examples), and such can retard the evaporation of deposited perfume and can also enhance the extent to which deposited perfume survives a subsequent drying step (see col. 1, lines 55-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to absorb the perfume of JP '599 onto particles comprising monomers like isobutyl

Art Unit: 1751

methacrylate because this will retard the evaporation of deposited perfume and can also enhance the extent to which deposited perfume survives a subsequent drying step as taught by Ness.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon  
Primary Examiner  
Art Unit 1751